

**APPLICATION FOR PERMISSION TO CHANGE POINT OF
DIVERSION, MANNER OF USE AND PLACE OF USE OF THE
PUBLIC WATERS OF THE STATE OF NEVADA
HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office JAN 19 1999

Returned to applicant for correction _____

Corrected application filed _____

Map filed APR 01 1997 under 62937

The applicant COMLAW 445, LIMITED, a United Kingdom Corp. & Lyon County, hereby makes application for permission to change the Manner and Place of Use of a Portion of water heretofore appropriated under Permit 16362, Certificate 5583

1. The source of water is Underground
2. The amount of water to be changed 2.1761 cfs, not to exceed 396.96 acre-feet annually
3. The water to be used for municipal & domestic purposes
4. The water heretofore permitted for irrigation purposes
5. The water is to be diverted at the following point NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 19, T.16N., R.22E., M.D.B.&M or at a point from which the W $\frac{1}{4}$ Corner of said Section 19 bears S. 0° 49'W., 1392.0 feet.
6. The existing permitted point of diversion is located within unchanged
7. Proposed place of use See Attachment "A"
8. Existing place of use See Attachment "B"
9. Use will be from January 1 to December 31 of each year.
10. Use was permitted from January 1 to December 31 of each year.
11. Description of proposed works a drilled and cased well equipped with motor, pump and distribution system
12. Estimated cost of works \$100,000.00
13. Estimated time required to construct works Two (2) years
14. Estimated time required to complete the application of water to beneficial use Ten (10) years
15. Remarks: This application is being filed in order to place irrigation rights appurtenant to the Dayton Valley Development into municipal use in accordance with the terms of the original development agreement for this project. Water being changed represents the remainder of this right not previously changed. Use the map on file under Permit 16362 to illustrate the existing & proposed point of diversion & place of use & the map on file under Permit 62937 for the proposed place of use.

By Gregory M. Bilyeu
s/Gregory M. Bilyeu
P. O. Box 70458
Reno, Nevada 89570-0458

Compared my/cmf ds/cmf

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the manner and place of use of a portion of the waters of an underground source as heretofore granted under Permit 16362, Certificate 5583, is issued subject to the terms and conditions imposed in said Permit 16362, Certificate 5583, and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The total combined duty of water under Permits 49483, 49486, Certificate 14718; 50361, 56593, Certificate 14706; 58931, Certificate 14719; 58932, 58933, Certificate 14720; 58934, 62937, 62938, Certificate 15662; 62939, 62940, 63626, 63627, 63628, 63629, 63630, 63631, 63632, 63633, 64128, 64782, 64783, 64784, 64785, 64957 and 66427 shall not exceed 5653.50 acre-feet annually.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 2.1761 cubic feet per second, but not to exceed 396.96 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

January 30, 2004

Proof of completion of work shall be filed before:

March 2, 2004

Water must be placed to beneficial use on or before:

January 30, 2012

Proof of the application of water to beneficial use shall be filed on or before:

March 2, 2012

Map in support of proof of beneficial use shall be filed on or before:

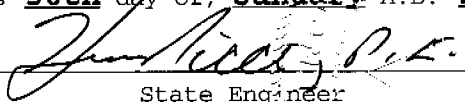
N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 30th day of, January A.D. 2002


State Engineer

MAR 16 2004

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

N/A

Certificate No. _____

Issued _____

ATTACHMENT "A"

7. Proposed Place of Use

T.16N., R.21E., M.D.B. & M.:

All of Section 1; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2; All of Section 11; SW $\frac{1}{4}$, W $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, portion of the W $\frac{1}{4}$ NE $\frac{1}{4}$, portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, portion of the E $\frac{1}{4}$ SE $\frac{1}{4}$, Section 12; Portion of the W $\frac{1}{4}$ NW $\frac{1}{4}$, portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, portion of the N $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13; E $\frac{1}{4}$, Section 14; SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{4}$, Section 23; N $\frac{1}{4}$ Section 24; Portions of the NW $\frac{1}{4}$, Section 26; SW $\frac{1}{4}$, W $\frac{1}{4}$ SE $\frac{1}{4}$, portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27; E $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Section 28; NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33; N $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34.

T.16N., R.22E., M.D.B. & M.:

All of Section 3; N $\frac{1}{4}$, N $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4; Portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 5; NW $\frac{1}{4}$, N $\frac{1}{4}$ NE $\frac{1}{4}$, portion of the S $\frac{1}{4}$ NE $\frac{1}{4}$, portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$, portion of the S $\frac{1}{4}$ SW $\frac{1}{4}$, Section 6; W $\frac{1}{4}$ W $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 9; NW $\frac{1}{4}$ Section 16; All of Section 17; S $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 18; All of Section 19.

T.17N., R.21E., M.D.B. & M.:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 36.

T.17N., R.22E., M.D.B. & M.:

S $\frac{1}{4}$ N $\frac{1}{4}$, S $\frac{1}{4}$, Section 31; S $\frac{1}{4}$ S $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33; SW $\frac{1}{4}$, S $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{4}$ SE $\frac{1}{4}$, Section 34.

Please utilize the map on file under Permit 62937 to illustrate the proposed place of use.

ATTACHMENT "B"

8. Existing Place of Use

27 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 19, T.16N., R.22E., M.D.B. & M.
 40 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 19, T.16N., R.22E., M.D.B. & M.
 37 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, T.16N., R.22E., M.D.B. & M.
 39 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19, T.16N., R.22E., M.D.B. & M.
 31 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, T.16N., R.22E., M.D.B. & M.
 12 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, T.16N., R.22E., M.D.B. & M.

Area being removed from irrigation is the remaining portion of the place of use not previously stripped by Permits 51015, 50543 & 53288.